

OFFICIAL
RECEIVED
CENTRAL FAX CENTER
JUN 22 2004

MARTIN & FERRARO, LLP
1925 Century Park East, 17th Floor
Los Angeles, California 90067

Telephone
(310) 286-9800

Facsimile
(310) 286-2795

FACSIMILE TRANSMITTAL

TO:

Name: Mail Stop AF

Firm: U.S. Patent & Trademark Office

Fax No.: 703-872-9306

Subject: U.S. Patent Application No. 09/921,844

Gary K. Michelson

Filed: August 3, 2001

SPINAL IMPLANT SURFACE CONFIGURATION

Attorney Docket No. 101.0084-01000

Customer No. 22882

Confirmation No. 8295

FROM:

Name: Amedeo F. Ferraro

Phone No.: 310-286-9800

No. of Pages (including this): 70

Date: June 22, 2004

Confirmation Copy to Follow: NO

Message:

(PART 1 OF 2)

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8

I hereby certify that the attached Transmittal Form (in duplicate; \$1,280.00 total fee to cover the \$950 three-month extension fee and \$330 Notice of Appeal fee is to be charged to Deposit Account No. 50-1066), Notice of Appeal, and Petition Under 37 C.F.R. § 1.181(a) with Exhibits A-J are being facsimile transmitted to the U.S. Patent and Trademark Office on June 22, 2004.



Sandra L. Blackmon

If there is a problem with this transmission please call Sandy Blackmon at 330-877-1202 or the sender at the number above.

The information contained in this facsimile message is privileged and confidential information intended only for the use of the addressee listed above. If you are not the intended recipient or the employee or agent responsible to deliver this message to the intended recipient, please do not use this transmission in any way, but contact the sender by telephone.

FORM PTO-1083

PETITION UNDER 37 C.F.R. 1.181(a)
EXPEDITED PROCEDURE
EXAMINING GROUP 3738Attorney Docket No.: 101.0084-01000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson

Serial No: 09/921,844

Filed: August 3, 2001

For: SPINAL IMPLANT SURFACE
CONFIGURATION

Confirmation No.: 8295

Group Art Unit: 3738

Examiner: B. Snow

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Petition Under 37 C.F.R. § 1.181(a) in reply to the Advisory Action dated April 23, 2004 in the above-identified application.

- ☐ No additional fee is required.
- ☒ Applicant hereby requests a three-month extension of time to respond to the Final Office Action dated January 7, 2004.
- ☒ A Notice of Appeal is enclosed.
- ☒ A total fee in the amount of \$1,280.00 (to cover the \$950 three-month extension fee and \$330 Notice of Appeal fee) is to be charged to Deposit Account No. 50-1066.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1066. A copy of this sheet is enclosed.
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
MARTIN & FERRARO, L.L.P.

Date: June 22, 2004

By:


Antideo F. Ferraro

Registration No. 37,129

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: 330-877-0700
Facsimile: 330-877-2030